

Item No. **Report of the Head of Planning, Transportation and Regeneration**

Address 39 STATION ROAD WEST DRAYTON

Development: Change of use of first floor from 1 x 2-bed flat (Use Class C3) to mixed use restaurant (Use Class A3) and takeaway (Use Class A5), involving installation of fire escape to rear and alterations to side and rear elevations

LBH Ref Nos: 24730/APP/2019/3531

Drawing Nos: 2
 395R(2)R
 395R1-4
 395R-1-3
 2 Re-issue 17/10/19
 395R1.GF
 1 - Photographs
 2 - Photographs

Date Plans Recieved: 24/10/2019 **Date(s) of Amendment(s):**

Date Application Valid: 12/11/2019

DEFERRED ON 4th March 2020 FOR SITE VISIT .

This application was deferred at the meeting of 4th March 2020 for a site visit. A virtual site visit took place on the 17th July.

1. SUMMARY

The application seeks planning permission for the change of use from Use Class C3(Dwellings) to Use Class A3 (Restaurants) to create additional floor space for existing restaurant involving alterations to elevations and installation of external staircase.

It is considered that the change of use would result in the net loss of residential accommodation, and although the applicant has provided some evidence in an attempt to demonstrate that the existing flat is inhabitable, it is considered that this is not sufficient and does not demonstrate that the unit could not be brought back into residential use.

It is considered that the external alterations would be minor and would not appear out of keeping within the surrounding area.

Therefore, it is concluded that the proposal is unacceptable.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposal would result in the loss of the existing residential unit, which is suitable with or without adaptation for residential use and would thus result in the diminution of the Council's existing housing stock to the detriment of the future housing needs of the borough. The proposal is therefore contrary to Policy DMH 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policy 3.14 of the London Plan (2016).

INFORMATIVES

1 I52 **Compulsory Informative (1)**

The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 **Compulsory Informative (2)**

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

DMH 1	Safeguarding Existing Housing
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 13	Shopfronts
DMTC 1	Town Centre Development
DMTC 4	Amenity and Town Centre Uses
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LPP 3.3	(2015) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2015) Quality and design of housing developments
LPP 3.8	(2015) Housing Choice
LPP 3.14	(2016) Existing Housing
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes

3 I59 **Councils Local Plan : Part 1 - Strategic Policies**

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then Development Management Policies, then London Plan Policies (2016).

4 I71 **LBH worked applicant in a positive & proactive (Refusing)**

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service. We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

3. CONSIDERATIONS

3.1 Site and Locality

The application relates to a two storey, terraced property located to the North East of Station Road. The property is currently being used as a restaurant at ground floor with a vacant residential unit above. The property forms part of a row of shops with residential

units above.

The property is attached to Nos.37 and 37A Station Road and Flats 1-5 Aaria House, 2A Cherry Orchard to the North West and Nos.41 and 41A to the South East. To the rear is a small yard and alleyway which provides access to the first floor flat. Beyond the alleyway lies the side boundary of No.2 Cherry Orchard.

The site lies within the Secondary Shopping Area of Yiewsley/West Drayton Town Centre as identified within the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

3.2 Proposed Scheme

The application is seeking planning permission for the change of use of the first floor from Use Class C3 (Dwellings) to Use Class A3 (Restaurants) for additional floorspace use for the ground floor restaurant. External stairs would be installed to the rear to act as a fire escape and two side windows would be bricked up.

3.3 Relevant Planning History

24730/APP/2001/913 39 Station Road West Drayton

INSTALLATION OF EXTERNAL STAIRCASE TO REAR AND CONVERSION TO TWO SELF-CONTAINED FLATS

Decision: 24-10-2001 Approved

24730/APP/2012/3062 39 Station Road West Drayton

Change of use from retail (Use Class A1) to a mixed use comprising restaurants and cafe/hot food takeaway (Use Class A3/A5) and alterations to shopfront

Decision: 30-07-2013 Approved

24730/APP/2015/759 39 Station Road West Drayton

Single storey rear extension, new shopfront and change of use from retail (Use Class A1) to a mixed use comprising restaurant/cafe/hot food takeaway (Use Classes A3/A5)

Decision: 13-05-2015 Refused

24730/APP/2016/2637 39 Station Road West Drayton

Change of use from retail (Use Class A1) to a mixed use comprising restaurant and cafe/hot food takeaway (Use Class A3/A5) and alterations to shopfront

Decision: 13-10-2016 Approved

24730/APP/2017/1422 39 Station Road West Drayton

Details pursuant to condition 3 (Noise Control) of planning permission Ref: 24730/APP/2016/2637 dated 14/10/2016 (Change of use from retail (Use Class A1) to a mixed use comprising restaurant and cafe/hot food takeaway (Use Class A3/A5) and alterations to shopfront)

Decision: 21-06-2017 Refused

24730/APP/2017/2120 39 Station Road West Drayton

Condition 7

Decision: 01-09-2017 NFA

24730/APP/2017/2447 39 Station Road West Drayton

Details pursuant to condition 7 (Refuse) of planning permission Ref: 24730/APP/2016/2637 dated 14/10/2016 (Change of use from retail (Use Class A1) to a mixed use comprising restaurant and cafe/hot food takeaway (Use Class A3/A5) and alterations to shopfront)

Decision: 18-09-2017 Approved

24730/APP/2017/2607 39 Station Road West Drayton

Details pursuant to condition 3 (Extraction Systems) of planning permission Ref: 24730/APP/2016/2637 dated 27/06/2016 (Change of use from retail (Use Class A1) to a mixed use comprising restaurant and cafe/hot food takeaway (Use Class A3/A5) and alterations to shopfront)

Decision: 19-10-2017 Refused

24730/APP/2017/2642 39 Station Road West Drayton

Single storey rear extension (Retrospective).

Decision: 16-11-2017 Refused **Appeal:** 13-07-2018 Allowed

24730/APP/2017/2890 39 Station Road West Drayton

2m high wall to rear (Application for a Certificate of Lawful Development for a Proposed Development)

Decision: 06-10-2017 Approved

24730/APP/2018/103 39 Station Road West Drayton

Details pursuant to condition 3 (Extraction Systems) of planning permission Ref: 24730/APP/2016/2637 dated 27/06/2016 (Change of use from retail (Use Class A1) to a mixed use comprising restaurant and cafe/hot food takeaway (Use Class A3/A5) and alterations to shopfront)

Decision: 01-08-2018 Approved

24730/APP/2019/2496 39 Station Road West Drayton

Change of use of first floor from 1 x 2 bed flat (Use Class C3) to restaurant (Use Class A3) involving installation of fire escape to rear and alterations to front, side and rear elevations

Decision: 03-10-2019 Refused

24730/C/81/0301 39 Station Road West Drayton

Two storey rear extension.

Decision: 01-05-1981 Approved

24730/D/87/1571 39 Station Road West Drayton

Installation of a 1.3m diameter dish aerial on roof

Decision: 19-11-1987 Approved

Comment on Relevant Planning History

Application reference 24730/APP/2016/2637 dated 13/10/2016 allowed the change of use of the property to Use Class A3/A5 (Restaurants/Hot Food Takeaway) and the ground floor is currently in use as a restaurant.

A retrospective application for a single storey rear extension was allowed under appeal on

13/07/2018 following the refusal of 24730/APP/2017/2642 (16/11/2017).

A previous application for the change of use of the first floor to A3 (Restaurants) involving installation of external stairs to the rear and alterations to front, side and rear elevations was refused on 03/10/2019. This was refused as it was considered that the proposal would result in the loss of the existing residential unit, which is suitable with or without adaptation for residential use and would thus result in the diminution of the Council's existing housing stock to the detriment of the future housing needs of the borough, and that the proposed development, by reason of the enlarged windows and installation of sun canopies to the front would result in an incongruous development which would be detrimental to the character and appearance of the existing and adjoining properties and the visual amenities of the street scene and the surrounding area. This application is a resubmission of the refused. The alterations to the front shop front have been removed, and further information regarding the condition of the existing flat has been submitted.

4. Planning Policies and Standards

Local Plan Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

DMH 1 Safeguarding Existing Housing

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 13 Shopfronts

DMTC 1 Town Centre Development

DMTC 4 Amenity and Town Centre Uses

DMT 2 Highways Impacts

DMT 6 Vehicle Parking

LPP 3.3 (2015) Increasing housing supply

LPP 3.4 (2015) Optimising housing potential

LPP 3.5 (2015) Quality and design of housing developments

LPP 3.8 (2015) Housing Choice

LPP 3.14 (2016) Existing Housing

NPPF- 2 NPPF-2 2018 - Achieving sustainable development

NPPF- 5 NPPF-5 2018 - Delivering a sufficient supply of homes

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Eleven neighbouring properties were notified of the proposal on 14/11/2019. A site notice was also displayed which expired on 18/12/2019.

Thirty comments and a petition, with 117 signatories, in support were received. The comments are summarised below:

- Business brings quality to High Street and should be allowed to expand;
- Plenty of housing being developed in the area and so the loss of flat should not be consideration;
- the area is a bit of a cultural void and this expansion would be a great needed addition;
- The independent restaurant expansion would be more beneficial to the community than another flat;
- Services including restaurants are required to support the increase in housing in the area;
- Population is increasing in the area and there is not enough safe places to go and have a nice family meal;
- This would improve the High Street;
- Would increase footfall in the evening which would improve safety;
- More community facilities are needed;
- Will incite investment in the area;
- Thriving business in the area;
- Good quality restaurant should be retained;
- The council need to be encouraging independent, smart business owners to open in the borough;
- Local business should be allowed to thrive;
- Healthy place to eat and important for community;
- There are so many new build properties coming into the area that the restaurant expansion would mean a significant amount of homes would be sacrificed;
- Will bring people into the area;
- Social cohesion and relationships are important in neighbourhoods;
- Houses would not be required if there is nothing to attract them to it;
- Positano and contributes hugely to the improved feel of the area - without this restaurant, there is nothing on Station Road worth visiting;
- Without the supporting infrastructure of necessary amenities such as Positano, there is a serious risk of having a skewed ratio of residents to services;
- Expanding Positano would also provide more jobs to the area;
- An expansion would be fulfilling a great need.

Internal Consultees

Access Officer:

This proposed Change of Use seeks to provide additional restaurant seating on the first floor; an area that would be inaccessible to wheelchair users. However, the ground floor is potentially accessible, therefore on the basis that there is no unique facility on the first floor, the proposal raises no concerns from an accessibility standpoint. The following Informative should however be attached to any approval: The Equality Act 2010 seeks to protect people accessing goods, facilities and services from discrimination on the basis of a 'protected characteristic', which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease. The Act states that service providers should think ahead to take steps to address barriers that impede disabled people. Conclusion: no accessibility objection is raised.

Conservation Officer:

Taking into account the location and nature of the proposal we have no comments to make in this instance.

Noise Officer:

The applicant has not stated how noise levels related social gathering, voices and background music will be controlled or reduced so that the adjoining residential units are not adversely affected.

There is no mention of the capacity or likely number of patrons intended in the proposed area.

The following information is required:

Sound Insulation of commercial/ industrial building envelope

Condition:

Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the sound insulation of the wall structures that separate the first floor building envelope and other mitigation measures, as appropriate. Details shall demonstrate that noise from uses and activities is contained within the building/ development site and shall not exceed the 'Good' criteria of BS8233:1999 at neighbouring noise sensitive/ habitable rooms and private external amenity spaces. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/surrounding premises is not adversely affected by noise, in accordance with Policies DMH 9 and H11 of the Development Management Local Plan.

External doors and windows to remain shut

Condition: The use shall not commence until all external doors to the premises have been fitted with self closing devices, which shall be maintained in an operational condition and at no time shall any external door [nor windows] be fixed in an open position.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise /odour /smoke /fumes, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

ASB and Environment:

The applicant has not stated how noise levels related to social gatherings, voices and background music will be controlled or reduced so that the adjoining residential units are not adversely affected by noise. There is no mention of the capacity or likely number of patrons intended in the proposed area. If you minded to grant the proposed change of use then the following information is required: Sound insulation of commercial first floor area which can be secured by way of a condition.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

In order to establish the acceptability of the principle of developing this site for residential purposes, it is necessary to take into account the recently adopted planning policy.

Policy 3.14 of the London Plan (2016) states that the loss of housing should be resisted unless the housing is replaced at existing or higher densities with at least equivalent floorspace.

Policy DMH 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to safeguard existing housing and the net loss of existing self-contained housing will be resisted. However, paragraph 4.5 states that 'exceptional circumstances may exist which outweigh the loss of residential units and deliver other Local Plan Policy. Each case for exceptional circumstance will be assessed on its merits.'

As this application involves the net loss of a residential unit, it is required to consider whether this case would fall under the exceptional circumstance as stated above. To do this it is important to consider the other Planning Policies that the proposal relates to and the additional information submitted by the applicant.

Policy DMTC 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states:

A) The Council will support 'main town centre uses' where the development proposal is consistent with the scale and function of the centre. Town centre development will need to demonstrate that:

i) adequate width and depth of floor space has been provided for the town centre uses; and

ii) appropriate servicing arrangements have been provided.

B) Residential use of ground floor premises in primary and secondary shopping areas and in designated parades will not be supported.

C) Proposals for 'main town centre uses' in out of centre locations will only be permitted where there is no harm to residential amenity.

D) The Council will:

i) expect proposals for main town centre uses to demonstrate that there are no available or suitable sites in a town centre where an edge of centre or out of centre location is proposed, using a sequential approach; and

ii) consider the effect of the proposal, either individually or cumulatively on the vitality and viability of existing town centres. Development proposals in out of centre and edge of centre locations, which exceed 200 sqm of gross retail floorspace, or 1,000 sqm of combined main town centres uses, will require an impact assessment.

It is considered that in this case, based on the number of comments in support of the proposal along with the petition in support, that the existing restaurant is important within the local community and adds to the vitality of the Yiewsley/West Drayton Town Centre.

The applicant has provided information regarding the current state of the first floor flat which is proposed to be lost. As stated within the Hillingdon Local Plan: Part Two - Development Management Policies (2020) an exception to Policy DMH 1 can be made if the dwelling is unfit for habitation within the meaning of the Housing Act 1985 and is incapable of being brought up at a reasonable cost. The Housing Act 1985 states that a dwelling is unfit for purpose if it is in a bad condition, there is a serious problem with damp, there is not enough natural light or ventilation, there are water supply issues and if there are drainage issues. The applicant has stated that there is no insulation, heating, double glazing or sound proofing, has defective electrics, has a leaking roof, has serious structural settlement, inadequate toilet and kitchen facilities, has no fire escape, has no daylight in the living space, and no parking and has provided a name of an engineer who can confirm this. The applicant has also stated that in order to make the space habitable, an investment of between £50,000 and £75,000 would be necessary and this is not viable as rental value would be £600 per calendar month. However, no evidence has been provided to show why this proposed rental value is so low. In addition, it is noted that a lot of the above issues would need to be sorted to allow for the conversion of a flat into a restaurant and so would have similar costs.

Although the existing plan shows a layout which would not be considered suitable under planning policy in terms of lack of light and outlook, it is considered that due to the size of the flat, there is the potential for this issue to be overcome.

There is also a concern that, if approved, this would result in a strong precedent for other

flats along the High Street to be converted to non-residential use resulting in a further loss of residential units.

Subsequently, it is considered that the applicant has failed to provide sufficient information and evidence to demonstrate that this case could be considered as an exceptional circumstance which would warrant the loss of a residential unit. Therefore, the proposal is unacceptable, in principle.

7.02 Density of the proposed development

Not applicable to this application.

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

The application property is not a listed building or located within the setting of a listed building, Conservation Area, Area of Special Local Character or an area with important archaeology.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods. In addition, Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) advises that all development will be required to be designed to the highest standards and incorporate principles of good design.

It is considered that the works to the rear including the bricking up of windows and installation of the fire escape staircase would not be visible from the street scene. Similar external staircases are common to the rear of commercial units with flats above. As such, it is considered that the alterations to the rear would not be detrimental to the surrounding area or street scene.

Subsequently, it is considered that the proposal would comply with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), and Policies DMHB 11, DMHB 12 and DMHB 13 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

7.08 Impact on neighbours

Policy DMHB 11 (B) of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to safeguard the amenities of neighbouring residents in terms of loss of light, loss of outlook, sense of dominance and loss of privacy.

The proposal would not involve the erection of any new buildings or extensions and no new side windows would be installed. In regards to noise, conditions can be added to ensure suitable schemes are implemented to reduce noise impacts on the neighbouring residential flats. As such, it is considered the proposal would not have a detrimental impact on the residential amenity of any neighbouring properties in terms of loss of light, loss of outlook, sense of dominance, loss of privacy or noise impact in accordance with Policies DMTC 4 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

There are no car parking spaces proposed within the curtilage of the property, however,

this matches the existing situation. The site benefits from a PTAL rating of 3 and there are plenty of on street parking for customers. There is no car parking requirement within Appendix C of the Hillingdon Local Plan: Part Two - Development Management Policies (2020). Cycle spaces are required; however, this can be dealt with by way of a condition. It is considered that the proposal would not result in a large increase of vehicles going to and from the site. As such, it is considered that it would comply with DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

7.11 Urban design, access and security

The relevant issues are addressed in the sections above.

7.12 Disabled access

This proposed Change of Use seeks to provide additional restaurant seating on the first floor; an area that would be inaccessible to wheelchair users. However, the ground floor is potentially accessible, therefore on the basis that there is no unique facility on the first floor, the proposal raises no concerns from an accessibility standpoint. However, the following informative should however be attached to any approval: The Equality Act 2010 seeks to protect people accessing goods, facilities and services from discrimination on the basis of a 'protected characteristic', which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease. The Act states that service providers should think ahead to take steps to address barriers that impede disabled people.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

Not applicable to this application.

7.15 Sustainable waste management

The existing ground floor is currently in use as the restaurant that wishes to expand, and so the proposal would not have an impact on any waste schemes.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

A condition can be added following any approval to ensure the first floor would be noise insulated. Air quality is not applicable to this application.

7.19 Comments on Public Consultations

The principle of the development, the impact of the development on the street scene and surrounding area, the impact on neighbouring properties and the impact on highways have been discussed in the report. The proposal has been determined using both National and Local Policy.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

No other issues.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the

development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

The application seeks planning permission for the change of use from Use Class C3(Dwellings) to Use Class A3 (Restaurants) to create additional floor space for existing restaurant involving alterations to elevations and installation of external staircase.

It is considered that the change of use would result in the net loss of residential accommodation, and although the applicant has provided some evidence in an attempt to demonstrate that the existing flat is inhabitable, it is considered that this is not sufficient and does not demonstrate that the unit could not be brought back into residential use.

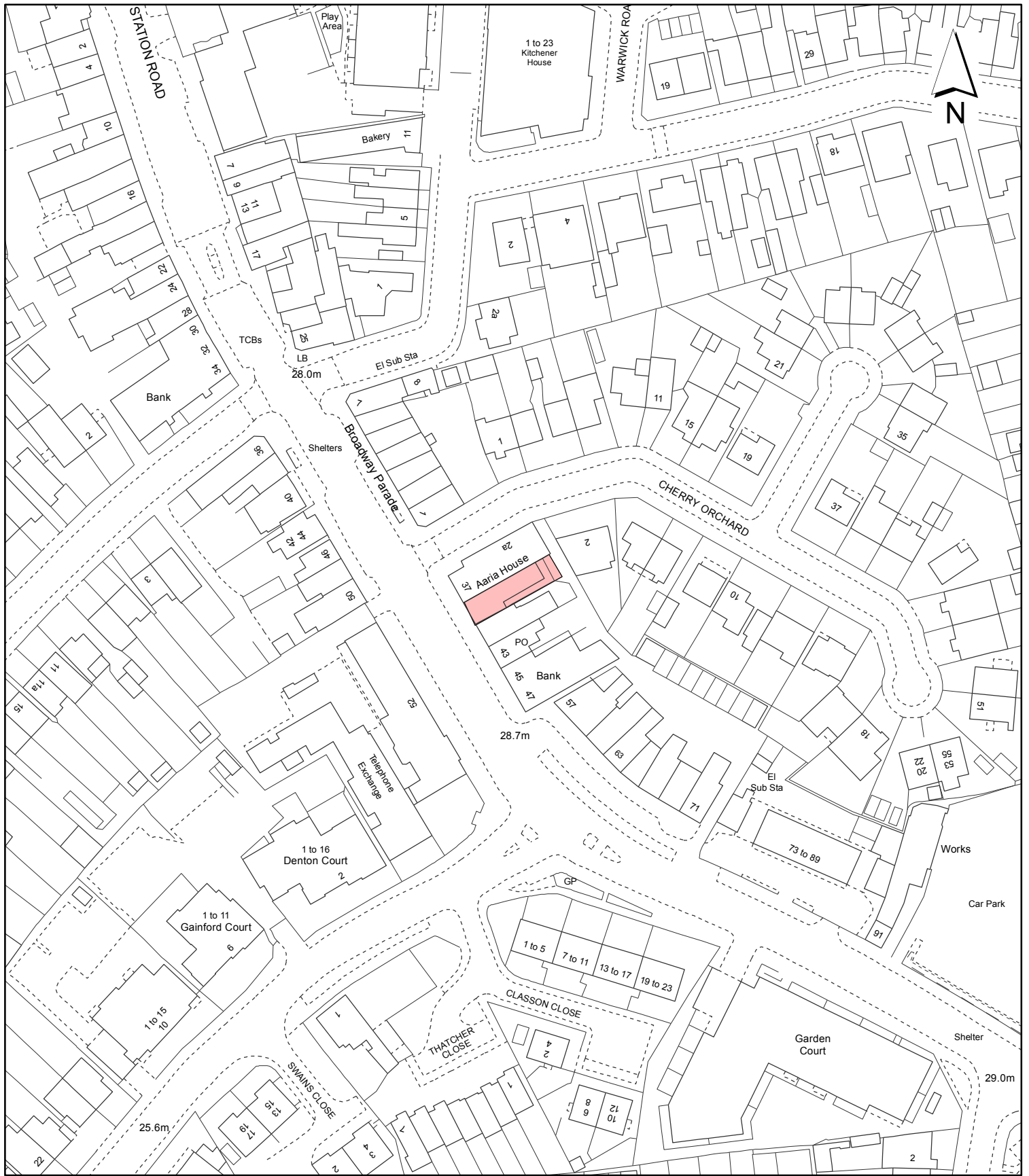
Therefore, the application is recommended for refusal.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Development Management Policies w(2020)
The London Plan (2016)
National Planning Policy Framework

Contact Officer: Charlotte Spencer

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

**39 Station Road
 West Drayton
 (Positano Restaurant)**

**LONDON BOROUGH
 OF HILLINGDON**
 Residents Services
 Planning Section

Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 01895 250111

Planning Application Ref:

24730/APP/2019/3531

Scale:

1:1,250

Planning Committee:

Central & South

Date:

August 2020



HILLINGDON
 LONDON